

EXHIBIT “F”

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF TEXAS
 BEAUMONT DIVISION

SHAWNTEL BREED,)
 INDIVIDUALLY AND AS)
 REPRESENTATIVE OF THE)
 ESTATE OF DUSTIN)
 KEITH JONES,)
 DECEASED, AND AS NEXT)
 FRIEND OF DJ AND CJ,)
 MINOR CHILDREN)
 Plaintiff)

VS.) CIVIL ACTION NO: 1:15-cv-190

CITY OF KIRBYVILLE,) JURY DEMANDED
 CHIEF PAUL BRISTER,)
 AND OFFICER JOSH)
 HANCOCK OF THE CITY)
 OF KIRBYVILLE POLICE)
 DEPARTMENT,)
 INDIVIDUALLY, AND IN)
 THEIR OFFICIAL)
 CAPACITIES)
 Defendants.)

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ORAL DEPOSITION OF

JOHN W. RALSTON, M.D.

APRIL 5, 2016

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ORAL DEPOSITION OF JOHN W. RALSTON, M.D., produced
 as a witness at the instance of the PLAINTIFF, and duly
 sworn, was taken in the above-styled and numbered cause
 on APRIL 5, 2016, from 3:37 P.M. to 6:57 P.M., before
 Carly Michelle Barton, CSR No. 8985, Louisiana
 CCR No. 2015004, in and for the State of Texas, reported

<p>1 it may stay up. Either way, that valve is not going to</p> <p>2 be functioning properly. It would be, like, cutting</p> <p>3 strings on one-half of your parachute.</p> <p>4 Q. Have you ever -- have you ever determined that the</p> <p>5 cause of death was from a papillary muscle infarct</p> <p>6 before?</p> <p>7 A. Yes, I believe I have.</p> <p>8 Q. On how many occasions?</p> <p>9 A. One or two, not many.</p> <p>10 Q. One or two.</p> <p>11 Is that a common cause of death?</p> <p>12 A. Specifically papillary muscle? I would say it's</p> <p>13 more an uncommon cause. Usually you will see hemorrhages</p> <p>14 in different parts of the heart muscle, but hemorrhage</p> <p>15 within the heart muscle is a fairly common cause of</p> <p>16 death.</p> <p>17 Q. Did you do a histology on the papillary muscles?</p> <p>18 A. I don't believe I did, no.</p> <p>19 Q. Okay. Do you know what an overlay is?</p> <p>20 A. Yes.</p> <p>21 Q. How do people die in an overlay?</p> <p>22 Can an overlay cause death?</p> <p>23 A. Yes, an overlay can cause death.</p> <p>24 Q. What is an overlay, first of all?</p> <p>25 A. An overlay is where one person is on top of</p> <p style="text-align: right;">90</p>	<p>1 roll off of their bed and they get wedged between the bed</p> <p>2 and the wall. There have been cases of people who have</p> <p>3 had seizures. They slip while they are going downstairs</p> <p>4 and just from the position of getting their head wedged,</p> <p>5 they can't fully breathe.</p> <p>6 Q. I see.</p> <p>7 A. I've had cases of car accidents where people get</p> <p>8 wedged in a position that's compromising their airway.</p> <p>9 It's not the amount of pressure, it's just the position</p> <p>10 they are, blocking their air supply.</p> <p>11 Q. What is Epinephrine toxicity?</p> <p>12 A. Epinephrine. That's what's called in layman's</p> <p>13 terms Adrenalin. It's a sympathetic nervous system</p> <p>14 simulate drug, kicks into the fight-or-flight situation</p> <p>15 in your body. It's used as a cardiac stimulate to help</p> <p>16 to reset the heart rate to get the person's blood</p> <p>17 pumping. Too much can cause cardiac damage because it</p> <p>18 causes the heart to speed up too much.</p> <p>19 Q. Okay. And that's what Epinephrine toxicity is?</p> <p>20 A. Yes.</p> <p>21 Q. Can Epinephrine toxicity result in a sudden fatal</p> <p>22 cardiac arrhythmia?</p> <p>23 A. Yes. If the dose is high enough, yes.</p> <p>24 Q. How often does that happen?</p> <p>25 A. I can't say exactly how often. It's a rare</p> <p style="text-align: right;">92</p>
<p>1 another person. It's -- you can have what's called</p> <p>2 compressional asphyxia due to an overlay. The size of</p> <p>3 the individuals involved is very important. Overlay</p> <p>4 deaths are most frequently seen with very young children,</p> <p>5 under a year of age who are co-sleeping with either an</p> <p>6 adult or a larger child. And, basically, you are</p> <p>7 compressing the ribcage, compressing the chest to the</p> <p>8 point where that person cannot breathe.</p> <p>9 It can be seen in adults as well. If</p> <p>10 you have a very large individual, for example, sitting on</p> <p>11 a smaller person, you can compress the chest to the point</p> <p>12 that they cannot breathe, where if you have more than one</p> <p>13 individual compressing one, you can see that happen.</p> <p>14 Q. What if there's one person that is using their</p> <p>15 legs to compress a person's torso and another person</p> <p>16 laying over them? Could that cause --</p> <p>17 A. Yes. Just like you could render somebody</p> <p>18 unconscious or kill them with a bear hug by completing</p> <p>19 compressing the chest. Yes, absolutely.</p> <p>20 Q. What is postural or positional asphyxia?</p> <p>21 A. Positional asphyxia refers to someone being in a</p> <p>22 position that compromises their airflow. That's going</p> <p>23 to be seen -- frequently it's in cases where somebody is</p> <p>24 intoxicated on some thing or other, be it alcohol or</p> <p>25 drugs; but you will see it persons who -- let's say they</p> <p style="text-align: right;">91</p>	<p>1 complication because it's very carefully monitored, but</p> <p>2 it can happen, yes.</p> <p>3 MR. TURNER: Are you going to have any</p> <p>4 questions?</p> <p>5 MR. STELLY: Uh-huh.</p> <p>6 MR. TURNER: Okay. I will pass the witness.</p> <p>7 EXAMINATION</p> <p>8 (5:46 P.M.)</p> <p>9 BY MR. STELLY:</p> <p>10 Q. Dr. Ralston, my name is Alex Stelly; and I</p> <p>11 represent the City of Kirbyville and some of its</p> <p>12 officers.</p> <p>13 I've probably got two hours of questions.</p> <p>14 A. Yes, sir.</p> <p>15 Q. I'm sure you didn't expect this deposition to take</p> <p>16 as long as it already has.</p> <p>17 Do we have enough time to take a break and</p> <p>18 continue with that amount of time that we have remaining</p> <p>19 or would you rather recess the deposition and continue at</p> <p>20 a later date?</p> <p>21 A. I can go either way. It doesn't matter to me.</p> <p>22 Q. It's up to you.</p> <p>23 A. Seriously, I could go either way. Frankly, I</p> <p>24 would prefer just to keep going.</p> <p>25 Q. Okay.</p> <p style="text-align: right;">93</p>

<p>1 just got the records. I don't recall them asking.</p> <p>2 Q. Okay. What evidence would you look for to find</p> <p>3 asphyxiation caused by compression of the --</p> <p>4 A. Carotid?</p> <p>5 Q. -- carotid artery?</p> <p>6 A. Well, you can see bruising in the tissues, the</p> <p>7 muscles overlying that. Additionally, you can see damage</p> <p>8 to the carotid arteries themselves, you will see</p> <p>9 hemorrhage over them. That may be all you can see, if</p> <p>10 it's just applied directly to the carotid arteries.</p> <p>11 Again, you may not see anything at all if it's a wide</p> <p>12 application of pressure.</p> <p>13 Q. Okay. When you say "wide application of</p> <p>14 pressure," would -- say a person has a forearm and bicep</p> <p>15 against the neck, would you consider that to be a "wide</p> <p>16 application of pressure"?</p> <p>17 A. Yes. You can render somebody unconscious and</p> <p>18 potentially kill them by pressing their head into the</p> <p>19 crook of your arm, basically.</p> <p>20 Q. Okay. If it that's type of pressure, using the</p> <p>21 bicep and the forearm, the amount of physical effects you</p> <p>22 are going to see on the neck are going to very minimal,</p> <p>23 if at all?</p> <p>24 A. That's correct. The only thing you might see</p> <p>25 would be hemorrhage within the eyes just because of the</p> <p style="text-align: right;">126</p>	<p>1 A. If you've got an elderly person who is on blood</p> <p>2 thinners, you could do it just a couple of pounds of</p> <p>3 pressure at the right point. If you've got somebody with</p> <p>4 good, healthy thick skin and good muscle tone, upwards of</p> <p>5 20 pounds of pressure. It depends on the location and</p> <p>6 the person.</p> <p>7 Q. Okay. For Mr. Jones, do you have an opinion about</p> <p>8 how much pressure it would cause to bruise?</p> <p>9 A. Depending on the area -- gosh. I would say he</p> <p>10 would be at the higher end of normal, but I don't know,</p> <p>11 10, 15 pounds, but that's just a ballpark.</p> <p>12 Q. Is it true that black folks don't bruise as</p> <p>13 easily?</p> <p>14 A. It's not true that African-American individuals</p> <p>15 don't bruise as easily, it's just harder to see it.</p> <p>16 Q. Okay.</p> <p>17 A. That would go for anybody with a darker skin</p> <p>18 pigmentation, whether we are talking about Asians,</p> <p>19 Indians, what have you. It's not that the tissue doesn't</p> <p>20 bruise, it's just that it's harder to see. That's part</p> <p>21 of the reason why we do the dissection, including</p> <p>22 removing the -- peeling back the skin layers so we can</p> <p>23 see the deeper tissue hemorrhage.</p> <p>24 Q. Okay. You keep on saying this infarction happened</p> <p>25 within 24 hours. Is it within 24 hours of the death or</p> <p style="text-align: right;">128</p>
<p>1 increased pressure.</p> <p>2 Q. Okay. You did talk about that, and I wanted to</p> <p>3 ask you. You used the term -- I don't know how to --</p> <p>4 A. Petechial?</p> <p>5 Q. Petechial?</p> <p>6 A. Yes.</p> <p>7 Q. What does that mean?</p> <p>8 A. That refers to bursting of very small blood</p> <p>9 vessels within the eyelids and within the eye. You</p> <p>10 frequently see it in cases of people who have been</p> <p>11 strangled, you will see it in hangings, and it's just</p> <p>12 from the fact that you've got blood that can't get back</p> <p>13 down out of the neck.</p> <p>14 Q. And when that happens, do you see leakage from the</p> <p>15 eyes?</p> <p>16 A. Not typically. Usually it's just little, small --</p> <p>17 imagine a red freckle, just little, tiny, small</p> <p>18 hemorrhages within the eyes.</p> <p>19 Q. All right. And, again, that doesn't happen every</p> <p>20 time a person has asphyxiation from a carotid --</p> <p>21 A. That's correct.</p> <p>22 Q. Do you know how much force it takes to make a</p> <p>23 bruise on the human body?</p> <p>24 A. It depends on the person.</p> <p>25 Q. Okay.</p> <p style="text-align: right;">127</p>	<p>1 was it within 24 hours of the --</p> <p>2 A. Of the autopsy?</p> <p>3 Q. Yeah.</p> <p>4 A. Within 24 hours of the death.</p> <p>5 Q. Okay.</p> <p>6 A. At that point the body's natural reaction, natural</p> <p>7 response is going to stop because the person has died.</p> <p>8 If it had happened more than 24 hours before he died, I</p> <p>9 would have expected tissue reaction in addition to the</p> <p>10 hemorrhage.</p> <p>11 Q. Okay. Now, we talked briefly about, you know,</p> <p>12 those three civil cases that you've done. One of them</p> <p>13 you talked about that you were implying it was a homicide</p> <p>14 and the cause of -- the mechanism of death as</p> <p>15 asphyxiation?</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell me a little bit more about that case?</p> <p>18 A. That was an individual who was subdued by several</p> <p>19 police officers and he was -- basically, the ambulance</p> <p>20 shows up to take him to the hospital for treatment and</p> <p>21 they had him tied, physically restrained, faced down on</p> <p>22 the gurney with his face in the pillow and he couldn't</p> <p>23 lift his face up to get out of that -- get out of that</p> <p>24 pillow.</p> <p>25 In that case I heard the ambulance audio logs</p> <p style="text-align: right;">129</p>

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INDIVIDUALLY, AND IN
THEIR OFFICIAL
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CIVIL ACTION NO: 1:15-cv-190

JURY DEMANDED

REPORTER'S CERTIFICATION

DEPOSITION OF JOHN W. RALSTON, M.D.

APRIL 5, 2016

* * * * *

I, CARLY MICHELLE BARTON, a Certified Shorthand
Reporter in and for the State of Texas, hereby certify to
the following:

That the Witness, JOHN W. RALSTON, M.D., was duly
sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by the

NELL MCCALLUM & ASSOCIATES
CARLY MICHELLE BARTON, CSR

1 Witness;

2 That examination and signature of the witness to the
3 deposition transcript was waived by the witness and
4 agreement of the parties at the time of the deposition;

5 That the original deposition was delivered to
6 MR. RONNIE TURNER, JR.;

7 That pursuant to information given to the deposition
8 officer at the time said testimony was taken, the
9 following includes all parties of record:

10 FOR THE PLAINTIFF:

11 Mr. Ronnie Turner, Jr.

12 SBOT NO. 24075533

13 PROVOST * UMPHREY LAW FIRM, L.L.P.

14 490 Park Street

15 Beaumont, Texas 77704

16 FOR THE DEFENDANTS:

17 Mr. Alex J. Stelly, Jr.

18 SBOT NO. 00791728

19 CALVERT EAVES CLARK & STELLY, L.L.P.

20 2615 Calder, Suite 1070

21 Beaumont, Texas 77702

22 I further certify that I am neither counsel for,
23 related to, nor employed by any of the parties or
24 attorneys in the action in which this proceeding was
25 taken, and further that I am not financially or otherwise

NELL MCCALLUM & ASSOCIATES
CARLY MICHELLE BARTON, CSR

1 interested in the outcome of the action.

2 Further certification requirements pursuant to the
3 Federal Rules of Civil Procedure will be certified to
4 after they have occurred.

5 SWORN TO AND SUBSCRIBED by me in Beaumont, Texas, on
6 this 14th day of April, 2016.

7

8

9

CARLY MICHELLE BARTON

10

Texas CSR No. 8985/Louisiana CCR No. 2015004

11

Expiration Date: 12/31/2016

12

Nell McCallum & Associates, Inc.

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